

**OFFICE OF THE CLERK
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EUFROSINA DIACONU,
Plaintiff, Pro Se & In Forma Pauperis.

MIX TORT

v.

CIVIL ACTION No. 12-cv-0663 (J.C.J.)

**SKYLINE TRANSPORTATION,
JAMES E. COLLINS,
WILSON ELSEER MOSKOWITZ EDELMAN
& DICKER LLP.,
DEFENSE LOGISTICS AGENCY,**
Defendants.

October 08, 2012

NOTICE OF APPEAL

Please be advised that pursuant FRAP 3.4 and LAR 4.0, as pertains to the docket case, the pro se and in forma pauperis Plaintiff will file an appeal with the U.S. Court of Appeals For The Third Circuit, steaming from the nine (9) ORDERS dated September 25, 2012, post-marked September 26, 2012 and received by the Plaintiff on October 01, 2012 and from the ORDER dated September 18, 2012, post-marked September 19, 2012 and received by the Plaintiff on September 24, 2012, all considered final decisions.

It is Plaintiff's understanding that the Plaintiff no longer needs to ask for permission to appeal because 28 USC 1292(b) and ALR 5.1 both have been abrogated.

While Plaintiff is no longer required to present at this early stage the questions the instant case presents, the APPEAL however, will show that the trial court abused its discretion on that:

- o. the ORDERS as issued are in clear error of the applicable laws and regulations.
- o. "Evidence of record" does not support the ORDERS.
- o. Dismissal of the defendants was prematurely made and contrary to the case-laws.
- o. Not only that the lower court abused of its discretion when dismissed defendant SKYLINE TRANSPORTATION as a defendant but, even to suggest that the pro se Plaintiff did not respond to defendant's motion to dismiss is a clear error of the evidence of record.
- o. The evidence of record shows that defendant SKYLINE TRANSPORTATION was owned by PASHA LUXURY SERVICES INC., a foreign-owned entity/state/government who actually

NEVER RESPONDED TO THE INSTANT COMPLAINT instead, with no supporting admissible evidence it was substituted with *STYLINE TRANSPORTATION of Huntingburg Indiana, a subdivision of OFS BRANDS INC. of Huntingburg, Indiana.*

o. The lower court abused of discretion when eliminated defendant JAMES E. COLLINS of W. Virginia from the case including from the caption of the instant case.

o. The lower court abused of its discretion when eliminated WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP as defendant, ignoring the rules of evidence and the rules of procedure.

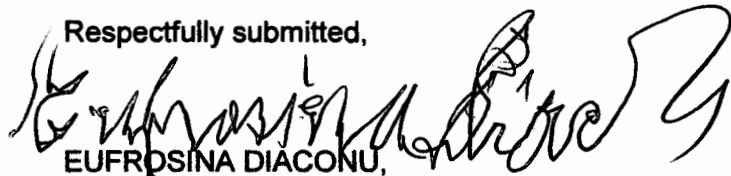
o. The lower court abused of its discretion when eliminated DEFENSE LOGISTICS AGENCY as defendant, ignoring the rules of evidence, the rules of procedure and the applicable State and Federal statutes; instead, it has "relied" on fraudulently induced prior rulings (emphasis added).

o. The lower court abused of its discretion when dismissed all defendants only after the pro se Plaintiff filed with the court on 09.10.2012:

- . JUDICIAL NOTICE OF ADJUDICATIVE FACTS w/3 Exhibits.
- . JUDICIAL NOTICE AS PERTAINS TO DEFENDANT DLA w/2 Exhibits
- . REQUEST FOR PRE-TRIAL HEARING ON DLA'S LIABILITY
- . REQUEST FOR PRE-TRIAL HEARING AS PERTAINS TO DEFENDANT WEME&D w/2 Exhibits.
- . NOTICE TO THE OFFICE OF THE CLERK E.D. Pa. OF INTENT TO FILE A MOTION FOR SUMMARY JUDGMENT BY DEFAULT AGAINST DEFENDANT JAMES E. COLLINS and defendant SKYLINE TRANSPORTATION/PASHA LUXURY SERVICES INC., a foreign owned state/government entity w/1 Exhibit.

Despite of an incomplete, erroneous and misleading FACTS AND PROCEDURAL HISTORY, taking into account changes on the Federal and State statutes, changes of FRAP and of Local Procedures, the instant case raises questions that the lower court for unknown reasons refused to address them. These questions are left to be addressed by the U.S. Court of Appeals for the Third Circuit.

Respectfully submitted,



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